

U.S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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<b>SWEIGERT</b>	<b>CIVIL CASE #:</b>
<b>V.</b>	<b>1:18-CV-08653-VEC</b>
<b>GOODMAN</b>	<b>JUDGE VALERIE E. CAPRONI</b>

**SUPPLEMENTAL PLEADING TO AUGMENT ECF NO. 168,**

**“NOTICE OF PLAINTIFF’S MOTION FOR  
PRELIMINARY INJUNCTIVE RELIEF PURSUANT TO  
NEW YORK CIVIL RIGHTS LAW SECTION 50 AND 51”**

**MAY IT PLEASE THE COURT:**

This is a SUPPLEMENT to a motion (ECF no. 168). This pleading is true to the knowledge of the undersigned, except as to matters alleged on information and belief, and that as to matters that the undersigned believe are true. See N.Y. C.P.L.R. 3020.

A certificate of service is included on the last page of this document. So sworn under oath.

Signed this <sup>22</sup> day of November 2020.

**D. G. SWEIGERT, C/O  
GENERAL DELIVERY  
ROUGH AND READY, CA 95975  
[Spoliation-notice@mailbox.org](mailto:Spoliation-notice@mailbox.org)**

*D.G. Sweigert*

**11.22.20**

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**PRELIMINARY STATEMENT**

Defendant Goodman continues to operate his business of publishing commercial “advertising in disguise” in reckless indifference to Section 51 of the Civil Rights Law of the State of New York (NYCRL § 51). Plaintiff D. George Sweigert commenced this action against the Defendant and his social media podcast “business” CrowdSource The Truth (CSTT) for, in part, knowingly using Sweigert’s image and name for commercial or advertising purposes, without Sweigert’s consent.

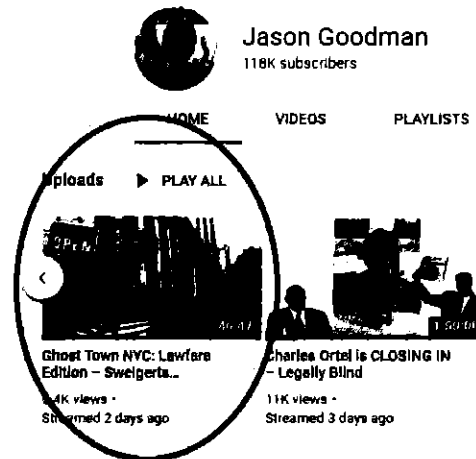
Plaintiff Sweigert now comes (with this supplement) to augment the previously docketed MOTION FOR PRELIMINARY INJUNCTIVE RELIEF (“P.I.R.”), **ECF no. (Dkt.) 168**.

Events have unfolded after the mailing of Dkt. 168 which provide further examples of the misbehavior of the Defendant that should be restrained by the Court granting P.I.R..

The entirety of **Dkt. 168** is herein referenced as if fully restated.

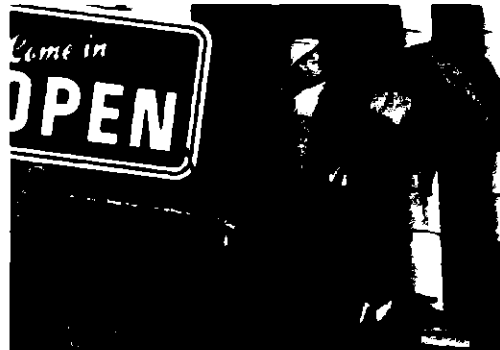
**SUPPLEMENTAL INFORMATION**

The Thursday, 11/19/2020, podcast video release (distributed amongst 13 social media properties) by the Defendant on his “CROWDSOURCE THE TRUTH” channels again misuse the Plaintiff’s likeness, name, persona, etc.

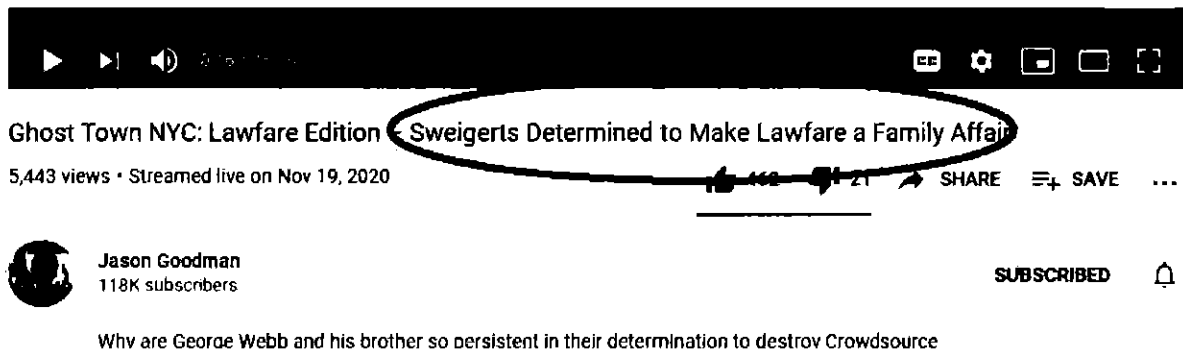


Above: Video podcast displayed on “Jason Goodman” YouTube channel

URL: <https://www.youtube.com/watch?v=jJ7GP1YKelk&t=3s>



Above: the likeness of the Plaintiff is displayed in the 11/19/2020 podcast videos



Above: Surname of the Plaintiff is once again used to engender an aire of respectability



Above: 11/19/2020 podcast displays solicitation for funds from the public

The Court will note that the Plaintiff's image (court jester) is placed on an "advertising" video thumb nail that entices a casual browsing member of the public to click on the video content to watch. The name "Sweigert" appears in an "advertising" title to encourage a casual browsing member of the public to click the video and watch.

The Defendant has demonstrated a deliberate unauthorized misappropriation of the Plaintiff's image, name, and persona as an advertising device to entice members of the general public to click on the video and be presented with solicitations for credit card payments via PATREON and SubscribeStar.


The First Amendment and the "parody" exemption of the U.S. Copyright Act does not shield the Defendant's prohibited use of the recognizable image and name of the Plaintiff. Still images are not protected free speech regarding matters of news and/or public interest when they are knowingly used for advertising and trade purposes in violation of NYCRL §§ 50, 51).

In *Binns v. Viagraph Co.*, 210 N.Y. 51 (1913) , "[a] picture within the meaning of the statute ... includes any representation of such person."

In *Ali v. Playgirl*, 447 F. Supp. 723, 726 (S.D.N.Y. 1978) the statutory definition of “portrait” is satisfied by a cartoon ...”.

**CONCLUSION**

The Defendant engages in continuous tortious behavior to prolong this lawsuit with the predicted reaction of more pleadings to supplement the record in response to the Defendant’s misappropriation of the Plaintiff’s name, likeness, and persona. The Defendant will not be financially harmed by any order of this Court directing the Defendant to cease and desist the commercially exploitative “thumb nail” and “title” usage of the Plaintiff’s persona, name or likeness.

  
**D. G. SWEIGERT, C/O  
GENERAL DELIVERY  
ROUGH AND READY, CA 95975**

**22.11.20**

**CERTIFICATE OF SERVICE**

I HEREBY ATTEST that a true copy of the attached pleadings has been sent to the following addressees on the **22** day of November via prepaid First Class U.S. Mail. So sworn under oath.

**Jason Goodman, CEO  
Multimedia Systems Design, Inc.  
252 7<sup>th</sup> Avenue, Apart. #6S  
New York, NY 10001**

**PRO SE OFFICE, #200  
U.S. District Court  
500 Pearl Street  
New York, New York 10007-1312**



**D. G. SWEIGERT, C/O  
GENERAL DELIVERY  
ROUGH AND READY, CA 95975  
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**11.22.20**



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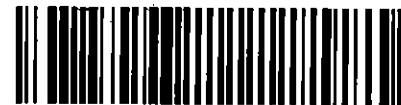


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